THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.24107 of 1997
Date: 28-02-2007

Between:
Chinnagalla Chinna Maisaiah

Petitioner

And

Collector, R.R.District, at Khairtabad, Hyderabad and two others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.24107 of 1997

ORDER:

1. This writ petition has been instituted seeking directions to respondents 2 and 3 not to dispossess the writ petitioner from the land in Survey No.63 situated at Boduppal village, Ghatkesar Mandal of Ranga Reddy District.

2. The writ petitioner has asserted that land measuring Ac.6.00 situated in Survey No.63 of Boduppal village was assigned to him long time back and that he was put in possession of the said land and that he had been utilizing it uninterruptedly and that he had made improvements to the land and that he has been indulging in the activity of manufacturing bricks which activity is not one prohibited by the conditions of the grant. But however, the writ petitioner has asserted that respondents 2 and 3, i.e. the Mandal Revenue Officer, Ghatkesar Mandal and the Superintendent of Police, Ranga Reddy District have started harassing and threatening the petitioner to dispossess him from out of the said land.

3. The learned Government Pleader for Revenue had filed the counter affidavit on behalf of respondents 1 and 2. The Mandal Revenue Officer who had deposed to the counter affidavit had specifically asserted that the name of the writ petitioner is recorded as Laoni Pattedar for the land bearing Survey Nos.63/12 and 63/13. The counter affidavit further goes on to assert that the local enquiry conducted by the Revenue Administration reveals that the writ

petitioner has sold off the land assigned to him and that some one else is in physical possession of the land. However, it has been stated at Para 3 of the counter affidavit as under:

> *" It is respectfully submitted that as per local enquiry it is revealed that the assignee Sri Chinamgalla Chinna Maisaiah has contravened the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act 1977. Hence after due enquiry and obtaining material evidence the form-I Notice under Sub-Section (2) of Sec (3) of A.P. Assigned lands (Prohibition of Transfer) Act 1977 will be issued and after following due procedure the land in Sy.No.63 admeasuring Ac.6.00 Gts will be reverted to Government Custody as per Rules.*
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> *It is further respectfully submitted that the land is vested in the possession of the petitioner and he is enjoying the property. The respondents never interfered in the possession of the petitioner nor tried to dispossess the possession of the petitioner, as such the writ petition is liable to be dismissed on this ground itself."*

4. In view of the statement referred to supra, it is clear that the State administration is not seeking to evict the writ petitioner from out of the land in question without following the due procedure of law. Obviously at the enquiry that will be conducted against the petitioner by the Revenue Administration, the petitioner is bound to appear and is entitled to raise his objections for the same. Since the counter affidavit has further asserted that the respondents have never interfered with the possession of the land in question of the petitioner, this issue becomes academic. Since the writ petitioner will not be evicted without following the due procedure, the writ petition does not survive for any further

adjudication. In view of the statements contained in the counter affidavit filed on behalf of respondents 1 and 2, the respondents 1 and 2 shall conclude the contemplated enquiry within the next 6 months. With this, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

28-02-2007
Stp